

**Idaho Fish and Game Commission  
Special Meeting -- August 29-30, 2005  
Fish and Game Headquarters  
Boise, Idaho**

**August 29, 2005**

The meeting was called to order at 1:05 p.m. Commissioners Gibbs, Power, Wheeler, Watts, Wright, Irby, and Hadley were present.

Chairman Gibbs noted that the Commission would review a request from A&W outfitters. In addition, representatives from the Simplot Company are scheduled for a presentation at 3:00 p.m. regarding the Hunting Lease Network. The Commission's main topic for the afternoon was a discussion of the LAP program and the whitepaper and recommendations that the Fish and Game Advisory Committee prepared.

Sandy Podsaid of A&W Outfitters has operated for several years on the Snow Peak Wildlife Management Area (WMA). The Department has decided not to renew his permit, and Mr. Podsaid has contacted several Commissioners including the Chairman. In order to accommodate a party who has hunted in that area for many years, the Director is willing to make an exception and allow Mr. Podsaid to take only that party hunting on Snow Peak. A letter has been prepared to Mr. Podsaid communicating this exception but noting that no further exceptions will be made and his permit will not be renewed. The Department is willing to consider a permit for another outfitter in this area, as Mr. Podsaid is in the process of selling his business.

Sharon Kiefer provided an update on the recent Pacific States Marine Fisheries Commission meeting in Alaska.

**Workshop – Landowner Appreciation Program**

Brad Compton, Big Game Manager, presented a review of the 2004 Landowner Appreciation permit drawing results (Appendix 38, Exhibit 79).

In general only 10% of the controlled hunt tags are available for the program. However, 25% allocations occur in units 40 and 45. LAP hunts do not currently have the one-year wait restriction that regular controlled hunts do for antlered deer and antlered elk. Idaho has relatively small agricultural operations. The median acreage for agricultural lands is 150, while the average is 530 acres based on information obtained from 2000 Census data.

The Advisory Committee has struggled with large landowners not getting proportionately the same treatment as landowners with smaller acreages. There are also a number of landowners that have less than 640 and are contributing significantly to wildlife or wildlife habitat but are not being recognized. Most LAP participants have 1,000 acres or less. The problem with recognizing all deserving landowners is the limited number of tags available.

In 2004, approximately 2,000 tags were leftover. The majority were antlerless. There were 200 antlered deer and elk tags leftover. In 2003, there were 400 antlered deer and elk tags leftover. The number of enrollees in LAP has increased substantially. Eligible landowners can apply for leftovers, but the tags are not used beyond that.

There is a "bonus points" system for landowner tags. Their name goes into the hat for each multiple of 640 acres up to 10,000. There is no annual accumulation for unsuccessful applicants. There are a number of other things that could be done to provide for a more equitable distribution of tags each year:

1. Establish a one-year waiting period.

2. Require that everyone who participates must have drawn at least one permit before landowners are entitled to a second permit.
3. Use a more specific approach for the small number of units that are oversubscribed.

The question still remains as to whether very large landowners should be treated differently.

Dr. Kent Marlor and Carl Rey discussed their white paper and its recommendations with Commissioners (Appendix 38, Exhibit 80). The Committee encouraged the Commission to be cautious and move slowly. Their whitepaper provides seven recommendations and suggests three complementary programs under the umbrella of the Idaho Landowner Program to address small landowners, large landowners, and large corporate landowners. Dr. Marlor explained that the programs could be structured so that the tags would be allocated based on the current 25% rule. Public feedback indicated very little acceptance in going beyond that point.

Dr. Marlor and Mr. Rey fielded questions from Commissioners. They discussed the recommendation to create a Legacy Lands program, which makes a distinction between large corporate landowners as opposed to large agricultural operations. Commissioner Wheeler commented that many large landowners are receiving compensation for hunting on their land, and the Department needs a way to compete with those market forces. Special seasons would be an option. One tradeoff is a later general season during which the landowner would provide public access. A couple of tags will not make a big difference to large corporate interests and very large landowners. The Department needs to create substantial incentives. The Commission will need to look at every avenue including tax breaks. It is not possible to use a “one size fits all” approach. Mr. Rey commented that with large corporate lands there is opportunity for long-term perpetual easements to preserve access.

Commissioner Wright noted that the recommendations don’t address the key issues of providing a return to sportsmen and the issue of selling trespass rights. Dr. Marlor clarified that providing access would be one of the ranking criteria. One of the challenges is to make the new programs attractive in such a way as to draw pressure away from LAP. Landowners would get a long-term contract with quantifiable access and habitat enhancement measures. The contract would give a guarantee of tags rather than a chance at a drawing. In large acreage access exchange, permits could be good only on the deeded acreage enrolled, or could provide for a certain number of tags one year and a different number another year. The more you involve the individual landowner in the process the higher probability of success. The Committee has no problem in “tweaking” the current LAP program. However, they do not want to fundamentally change the program.

Commissioner Hadley noted that some of the problem units (such as Unit 45) will always be a problem because they are managed as trophy units.

Commissioner Watts commented that large corporate landowners need compensation to keep lands open and accessible given the regulatory environment and the expense they incur to fix damage being done to their. Some need help to pay for environmental lawsuits and environmental studies. It is critical to identify a funding source. Commissioner Power commented that damage is done to corporate lands by people other than hunters, and if industry can offset expenses, they will be more likely to continue allowing access. There is a need for cooperative enforcement on road management.

Commissioner Wheeler noted that the real issue is how to give access and get habitat improvement. The Commission and the Advisory Committee are not adversaries and need to work as a team. He feels the discussions have been misperceived by the public, and that there seems to be a desire to stop the debate and maintain the status quo. There has been a lot of good work done to help make things better for sportsmen. The debate is good, and the process needs to move forward.

Carl Rey commented that there is open fields legislation and BPA mitigation monies that may provide funding options for public access.

Commissioners agreed that they are looking at all ideas. They do not have an agenda other than trying to find long-term solutions. Dr. Marlor and Mr. Rey offered the Committee's services to work on this issue.

Chairman Gibbs introduced Vince Restucci, from the Simplot Corporation who presented information on the Hunting Lease Network (HLN) (Appendix 38, Exhibit 81). Simplot owns the franchise for Idaho. The concept is to help growers get more from their assets and to bring landowners and sportsmen together. This is an internet-based system that allows hunters to view properties available for lease across the U.S. and submit for competitive lease bids. Mr. Restucci and Chuck Stack are the local contacts for the franchise. The HLN has been in existence for approximately 10 years. Leases are exclusive and annually renewable. They range from \$1 - \$20 per acre annually, and part of the bid or lease price includes hunting liability insurance. The Management fee for the lease is 25%; the landowner gets 75% of the lease value. Most of the hunting is for white-tailed deer in the mid-West.

There is one property currently available in Idaho, but they have been talking to a lot of landowners. Membership in the Network is free through the web. The Website shows minimum bids, maps, and other information about the property for lease. There are a lot of landowners currently leasing their land and stocking wildlife for hunting. However, a large number of landowners don't allow hunting. If you show them the benefits, they may open it up for some form of hunting access.

Simplot will be evaluating the franchise after one year. Depending on the results, they may sell the franchise or let it expire. Mr. Restucci provided a brochure on the HLN for Commissioners (Appendix 38, Exhibit 82).

Dr. Marlor and Mr. Rey offered to make the Advisory Committee's meeting notes available to the Commission.

Commissioners discussed drafting an outline of the main ideas being considered and getting it out to the public. They asked staff to provide future recommendations on a preference system for landowners who have not drawn and the key areas where that has occurred. They discussed creating subcommittees to address each specific recommendation from the Advisory Committee. They also asked legal staff to research the legalities of landowners who are setting up separate LLCs to circumvent the 640 acre individual landowner eligibility.

05-53 Commissioner Irby moved and Commissioner Power seconded a motion **TO HOLD AN EXECUTIVE SESSION PURSUANT TO IDAHO CODE 67 2345(1)(c) and (f) TO DISCUSS LAND ACQUISITIONS AND LEGAL MATTERS.** The motion carried unanimously.

The workshop ended at 4:40 p.m.

The Executive Session ended at 5:35 p.m. with no action taken.

### **Public Meeting**

Chairman Gibbs called the meeting to order at 7:04 p.m. The Chairman introduced Commissioners Wheeler, Hadley, Watts, Wright, Power, and Irby. The Chairman welcomed the public and mentioned that Commissioner Hadley is continuing to serve as the Governor has not yet appointed a replacement.

Terry Mansfield, Deputy Director, noted that he was filling in as Secretary for the Director who was at a White House Conference on Cooperative Conservation in St. Louis, Missouri. The Deputy Director introduced staff. Jim Unsworth noted the main items on the agenda for the Commission meeting included the setting of waterfowl seasons and the fiscal year 2007 budget approval. Also on the agenda is a discussion of the mission of Wildlife Management Areas, a wolf update including research data on elk populations, and an update on a bonus point survey to gain public input.

The Chairman opened the meeting to public comment.

Jeff Hajjar spoke regarding the proposed waterfowl seasons and asked Commissioners to maximize the resource for the small number of hunters. He would like to see the season go later and conform to federal guidelines especially in the southern part of the state. Mr. Hajjar passed out two options he would like considered for the Southwestern Zone (Southwest and Magic Valley). One would be a split season of 107 days and one would be a 100 day season. He would like to see the Commission adhere to the federal framework for bag limits.

Tom Matus commented that the 107 day season and 7 duck limit is appropriate. He asked the Commission to listen to the professionals who were hired to make informed recommendations based on data. He also asked that the waterfowl season start as late as possible to allow more time to get regulations distributed so hunters have a chance to see them and know when the season starts. He also feels the Southwestern Zone should mirror the season set for the Oregon border along the Snake River.

Doug Schleis, representing the Idaho Waterfowl Association, commented that their organization was formed this spring with the main purpose being to help the Department of Fish and Game and be a partner in managing the resource. The IWA feels that waterfowl is a valuable resource and that IDFG should devote more resources to waterfowl. IDFG doesn't have a full-time staff biologist devoted exclusively to waterfowl, but Tom Hemker does an exemplary job. IWA is taking a neutral position on the season recommendations, but membership is leaning toward a later start date and later season. Mr. Schleis noted that the IWA will be working with Delta Waterfowl to find a baseline on where we are with waterfowl in Idaho.

Cherie Barton of the Idaho Wildlife Federation read a letter from their President regarding their Board of Director's views on the LAP program, which include: 1. Moving away from the sale of big game tags and considering all Idaho hunters equally in tag allocation; 2. Adopting the Idaho Fish and Game Advisory Committee's recommendations on landowner programs; 3. Keeping the LAP and Access Yes! programs intact and moving to the development of Small and Large Landowner Programs based upon tags for landowners in return for sportsmen access and wildlife habitat development on private lands; and 4. Pursuing a Heritage Lands program with the Governor's office and legislature to protect continued access to corporate properties.

Nate Helm, Executive Director of Sportsmen for Fish and Wildlife (SFW), commented on 3 main topics: 1. They want to be sure they are working on the same track as the Department with respect to the 2007 Farm Bill; 2. They appreciate efforts to get answers on wolves. Sportsmen are interested in getting better information. The goal is de-listing, and they are willing to help however they can; 3. Regarding the LAP program, they suggest looking at ways to increase access by creating relationships with landowners to increase opportunities. The workshop discussion clarified that sportsmen are the focus. Mr. Helm feels that there should be a balance between taking the time to get it right and taking too much time and losing chances.

Dennis Radocha from the Idaho Sportsmen's Caucus Advisory Council, presented a letter from the group regarding LAP. They requested that the Commission consider a variety of alternatives including a "no action" option. The Council encourages the Commission to take a very hard look at how programs in other western states have worked or not worked. They feel the Commission should seek public input on all options.

Mike Veile, from Soda Springs, spoke against commercialization of Idaho wildlife with the expansion of the LAP program. He is concerned that this will create division among traditional rural groups such as ranching, mining, timber, and farming. He believes that commercialization locks out the public from participation and provides far fewer tags. He cited programs in Utah, New Mexico and Colorado that have eliminated opportunity for sportsmen. He feels that programs like the Super Hunt drawing and the commercialization of landowner tags could deny the public its traditional hunting rights. He commented that selling tags gives an advantage beyond selling access. It's a step above the rest of the public. Mr. Veile is opposed to a bonus

points system. He urged the Commission to fund a graduate student in Statistical Analysis to gather and study data from the other western states that have point system before proceeding. Mr. Veile would like to see Southeast Idaho waterfowl seasons go longer.

Bob Bash, commented that he would appreciate receiving a response to correspondence he sends to Commissioners. He feels there is a problem with how the second drawing for controlled hunt tags is conducted and that he should not have to apply twice for his first choice hunt but should stay in the pool. Mr. Bash also believes there should be better monitoring of the access being provided through Access Yes! He also commented on the increase in deer tags in Unit 39 and thinks there are too many.

Bob Minter, with the Ada County Fish and Game League, presented the group's opinion on changes to LAP. League members met with Commissioner Watts and other sportsmen, and they feel there is already sufficient recognition for landowners. Depredation payments and Access Yes! provide incentives in addition to LAP. Most sportsmen's groups are recommending the Commission study the issue and bring options to sportsmen for public input. The sale of tags would go down a road unacceptable to sportsmen, who are also opposed to additional tags for LAP. Landowner tags should be used only on the recipient's land. Landowners who charge fees for access are entitled to do so. However, landowners who do not provide access to the public should not automatically be helped with wildlife damage. He urged Commissioners not to sell Idaho's wildlife. There are tags that aren't being requested and can be used without increasing the number of tags available. The League supports the Advisory Committee's recommendations. Mr. Minter was encouraged by the discussion at the workshop.

Jack Trueblood commented that the sale of landowner tags would be a bad idea. He shared a printout of an offer on eBay for hunting rights on 3,000 acres in Rathdrum. The winner will receive one complimentary mule deer tag. To actually allow sale of tags would open the floodgates for this practice. Giving a landowner the ability to sell a tag to the highest bidder would allow out-of-state hunters to come in and hunt where a resident doesn't even have a chance to hunt. Mr. Trueblood encouraged the Commission to work with Advisory Committee to flesh out their ideas before taking any action. He supports restrictions on the transfer of tags and feels the Department and Commission should be able to monitor the transfer of tags.

Michael Murray, representing the Idaho Muzzleloader Association, expressed disappointment with the increase in senior license fees. He pointed out that other tags were not raised proportionately, and he would like to see a more gradual increase. LAP tags started for those who didn't put in for depredation claims. He is concerned about larger landowners breaking up land into separate parcels. He feels that if the Commission can't improve the program they should leave it alone. With respect to muzzleloading seasons, the IMA is still trying to get the words "any other synthetic powder" changed to "loose powder" for the general muzzleloading season, and keep the weapons in their original intent. With technology, the weapons are no longer muzzleloaders, they are just single shot rifles loaded from the muzzle. If something isn't done, the other general muzzleloaders could lose their season.

Commissioner Wright stated that there is misperception that the Commission is in favor of selling tags. The Commission is not at cross purposes with the Fish and Game Advisory Committee. The Commission wants sportsmen to get something in return for LAP tags. He mentioned the Simplot presentation on the hunting lease network. He commented that the Commission is trying to figure out a way to avoid that and to provide a positive incentive to landowners. Selling tags is one option, but not the only option being discussed.

Howard Robinett commented that he called and wrote regarding the increase in fishing license fees for seniors. He thinks the Department does a good job, but wants to know how the money is being used. He called the Legislature and was told that the Department sets their budget and called for the increase. He understands the need to increase fees but would like to see what the money is accomplishing.

Richard Sauer, spoke in favor of the 107 day season with a 7 duck limit, and he also likes the split season. He has talked to several people who favor a late canvasback season.

Commissioner Watts asked Mr. Matus if duck hunters would have a problem with the season starting on a Monday or Tuesday. Mr. Matus indicated that doesn't matter to dedicated duck hunters. He doesn't think there is a problem with a split season. The important thing is getting the rules out to the public. Ending the season on January 29 is a bigger issue than starting on a Monday. January 29 as a closing date is a better option for the Southwest area. He is in favor of maximizing hunting opportunity.

The meeting adjourned at 8:20 p.m.

## **August 30, 2005**

### **MISCELLANEOUS**

#### **Opening Comments**

Chairman Gibbs called the meeting to order at 8:07 a.m. Commissioners Power, Wheeler, Watts, Wright, Irby, and Hadley were present.

#### **Agenda Changes**

Chairman Gibbs added item #17 to discuss the Commission's appointment of a representative to the Idaho Outfitters and Guides Licensing Board (IOGLB).

#### **Review of Public Comment**

The Chairman noted the areas of public comment from the previous night -- the LAP program, waterfowl season setting, the senior license increase, the controlled hunt second drawing, and Commission response to correspondence. Commissioners discussed how to be more responsive to those who send letters and emails and to those who attend public meetings. They requested that staff put together a suggested procedure for handling correspondence. The Chair mentioned a letter requested by former Commissioner John Burns in support of a forest service trail maintenance project. The Deputy Director indicated he would provide the Chair with the draft letter at the lunch break.

### **DIRECTOR'S REPORT**

Deputy Director Mansfield reported on funds generated from the sale of Super Hunt tags for 2005 which totaled \$132,580 from the two drawings. This was down slightly from \$155,000 in 2004.

Commissioners were provided with an article regarding the reversal of an injunction that prohibited Arizona Game and Fish from enforcing that state's 10% non-resident cap for antlered deer and elk tags.

Deputy Director Mansfield gave an update on the events being held around the state by the Sportsmen's Caucus Advisory Council (SCAC). The intent is to engage sporting organizations and members of the Legislature in dialog on issues of importance and interest. Commissioner Wheeler attended the first event in Roberts. Any sportsmen's organization that has been in existence in the state for three years and agrees to follow general principles in the by-laws and support the basic mission statement can belong to the SCAC. There is a fee to be a member.

The Department is continuing to work with the Department of Agriculture on a Memorandum of Understanding (MOU) regarding domestic cervid operations. A template MOU has been drafted that defines voluntary roles and responsibilities and calls for coordination with the Departments of Fish and Game and Agriculture on the escape of domestic cervids and entry of wild cervids into facilities. This may avert

additional legislation that could be detrimental to wildlife and will improve communication and expansion in various regions.

The Director is attending the White House Conference on Cooperative Conservation this week in St. Louis, Missouri.

Efforts to create a hunt for returning veterans are going well. The Department has solicited some corporate donations to get birds for hunts this fall and winter.

The Deputy Director reported that the Department did not find any West Nile Virus in sage grouse this year. The Department plans to collect 1,500 Chronic Wasting Disease (CWD) samples for testing this year; approximately 1,000 CWD samples were collected last year.

## MISCELLANEOUS

### Commission Reports

Panhandle Region. Commissioner Hadley reported that she and Regional staff took County Commissioners and legislators on a tour of the Farragut Range. They all were appreciative of the presentation and tour. The Department is moving slowly on the project and is putting up a perimeter fence and working on noise attenuation around the range. Improvements are intended to make the existing range safer and to alleviate noise. Over the next 10 years, use of the Range will increase. Some Bayview citizens would prefer not to have the range. However, the Region has received positive feedback from the County Commissioners and legislators. The Region signed a burbot conservation strategy for the Kootenai River, which is a major accomplishment for the Boundary County community working with Fish and Game. Smith Creek Management Group is working on improvements to property on the Boundary County WMA. They have a new habitat biologist who is very good at working with the public. The Region had a record elk season last year and anticipates this year to be better. They are putting trap nets in Lake Pend Oreille to trap Lake Trout and look at whitefish implications and recovery of the kokanee population. Wayne Wakinnen collared a grizzly crossing the Copeland Highway as part of the monitoring project with the Forest Service.

Clearwater Region. Commissioner Irby reported that the new office was dedicated on August 19. It is a beautiful building, and there was a large turnout for the ceremony. Deyo Pond is moving along and the group involved is working to get funding. Fly fishermen are out on the Clearwater, and the Region is expecting a good steelhead run. Wolves are a hot topic. Two were to be removed but it has not happened as they have had a hard time capturing them. Wolves have killed some domestic cattle in the area, and they are likely the same wolves that killed the hounds recently. There are good reports on elk populations. The Region is still working on the potential Redbird Canyon land acquisition proposal. The Commissioner attended the Idaho Fish and Wildlife Foundation board meeting in Lewiston. The Board is a diverse group of people who work diligently on fish and wildlife issues throughout the state and take their work seriously. The Department has the Foundation to thank for the new offices. The Board appreciated Commissioner Irby's attendance, and he encouraged other Commissioners to attend the meetings when the Board meets in their regions.

Southwest Region. Commissioner Watts reported that chukar counts are phenomenally high this year. Regional staff set up check stations on archery antelope hunting. Checking weights of arrows, broadhead dimensions, and bow let-off percentages, they found very few violations. While the Department hears complaints about illegal bows, most they checked were legal. The Region continues to struggle with growth and development. There was an article about the Hammer Flats development in the *Idaho Statesman* this week. The Region has put together a series of articles this summer and fall to increase awareness.

Magic Valley. Commissioner Wright reported significant impact from the Clover Crossing fire in the Jarbidge area. Most of what burned was crested wheat. The Region is involved in rehabilitation of the area in coordination with the BLM and Department of Lands. There was another 30,000 acres burned near

Craters of the Moon. Department staff doing sage grouse work in the area reported the fire to BLM. It did impact one of the Department's sage grouse study areas. Due to dry conditions, the archery antelope hunt on the Jarbidge desert was a concern. Hunters have built blinds at watering holes and have had good success. The Region also had to implement a depredation antelope hunt to minimize damage to an experimental crop of garbanzo beans. The Region is gearing up for hunting season doing last minute surveys. There was a decline in upland game bird chicks because of the wet spring, but this was countered by carryover from last year. Enforcement staff are continuing to work on a case involving a Super Tag winner from last year who shot a big buck with a high-powered rifle in an area that was muzzleloader only. The local prosecuting attorney is pressing charges. Judge Winmill's order to remove all livestock from over 800,000 acres of BLM range in Jarbidge is a significant development in the Region. It will have a huge economic impact on landowners and ranchers in the area. The Judge's decision was mostly based on sage grouse impact; however broader wildlife impacts were identified. The Department did have a lot of input on the issue.

Upper Snake Region. Commissioner Wheeler reported that the decision on the North Fork fishery worked out well. A wolf symposium was held in Idaho Falls. It was an interesting meeting and included ranchers and environmental groups. There were approximately 180 attendees. Doug Smith from Yellowstone National Park spoke as well as representatives from Wildlife Services and Department of the Interior. Steve Nadeau from the Department also participated. Staff was there and handed out information. It was well done, and the Region worked hard on it. Wolves are starting to show up more in the Upper Snake, and the Department needs to help educate the public. The Deputy Director visited recently. The Region is optimistic about deer, sage grouse, and sharp-tailed grouse. They are starting to see mule deer in places where they haven't seen them. This will be the Region's 2<sup>nd</sup> year of fish flush to wash out rainbow redds. They have recently moved some bears. Region 6 is struggling with a depressed antelope herd that can't seem to bounce back. A recent Yellowstone Park study tagged baby antelope, and found they were all killed by coyotes. Field studies indicate wolves like mature elk, bears like young elk, coyotes like antelope. Staff intends to pursue additional information on these studies.

Salmon Region. Commissioner Power reported on the Salmon season which went very well. The season lasted until August 7<sup>th</sup> with 223 salmon caught as of August 3 at an average of 44 hours per fish caught. A mandatory check station reported 943 license plates from Arizona, California, Colorado, Virginia, Washington, Wyoming, and Nevada. There were anglers from 31 Idaho counties logged. This shows what the economic impacts can be. People were happy, and the Department gained credibility with constituents. Greenfield hunts are not very productive. There are no elk complaints right now but a few deer complaints. The Region has seen 3 sets of mule deer triplets. They are seeing more antelope. Lamb ratios for big horn sheep along the main Salmon are not good, but the sheep are doing well in the Middle Fork. Chukar numbers are down from 2 years ago until you get farther down the River. An update on the bighorn sheep transplant on Borah showed we lost 8 of 54 adults with radio collars from natural, cougar, etc. The purchase of the Moen property is progressing. Wolf control in the Region included taking out 8 individuals recently. In Mackay and the Cooper Basin there are control activities on wolves annually. If you take them out, others come back in. There are some areas where they will continue to get in trouble.

Southeast Region. Chairman Gibbs reported that Mark Gamblin was selected as Regional Supervisor for Region 5. He is in the process of relocating. The Region also has a new Mule Deer Initiative Coordinator. Region 5 conducted hunter opinion surveys on waterfowl seasons. With the wet spring, they have storage carryover in Chesterfield Reservoir. They have planted fish, and it is an extremely productive fishery and draws Utah anglers. Blackfoot Reservoir also benefited from the cool, wet spring and should be planted. Bear Lake went up 6 ½ feet this spring and peaked up 3 ½ feet higher than projections. The Region is looking forward to deer and elk season.

Commissioner Wheeler commented that Teton County Commissions asked for public input on the Department's acquisition of the Andrus property. Only two people showed up, and they were in support. No one objected to the purchase.

### Consent Calendar



05-54 Commissioner Hadley moved and Commissioner Wheeler seconded a motion **TO ADOPT THE CONSENT CALENDAR WHICH INCLUDED MINUTES FROM THE JULY 6-8 MEETING AS AMENDED AND A BUDGET ADJUSTMENT FOR THE WILDLIFE BUREAU TO AUTHORIZE SPENDING AUTHORITY UP TO \$10,000. SAFARI CLUB INTERNATIONAL HAS DONATED \$10,000 TO THE DEPARTMENT FOR USE IN THE UNGULATE ECOLOGY PROJECT.** The motion passed unanimously.

## **RULES**

### **Waterfowl Season Setting**

Tom Hemker, Game Bird Program Coordinator, presented staff recommendations for the 2005 waterfowl seasons (Appendix 38, Exhibit 83).

Public input included a random survey, website survey, regional open houses, letters, and a Commission open house. Survey questions included whether the 2004 season was too short, too long, about right or don't know. There was overwhelming support for a full 107 day season. With respect to bag limits, a significant number of respondents thought it was too low. The survey showed the most support for 7 mallards and 2 hens. There was some support for limits of 5 mallards and 2 hens. There was the most support for opening the season on the third Saturday in October for the Southwest zone, but not a clear mandate on an opener in the East and North. The Fort Hall Tribal Council selected the second Saturday of October for a season opening. Written comments included requests for a split season, late canvasback season, and use of motorized decoys.

After public input, the Department changed its initial recommendation to allow all general waterfowl seasons in both zones to begin a week later or October 8 for the North and East Zone and October 15 for the Southwestern Zone. Other recommendations received during the public input process include a Spokane River closure, Thompson Lake boundary change, Clearwater closure, and a Power County boundary change. The Department recommended deferring all of these changes except the Thompson Lake boundary change, which clarifies that part of the boundary is now a greenbelt path and not a railroad.

Discussion included questions on harvest rates with a 7-bird vs. 5-bird bag limit. Mr. Hemker stated that lowering the bag from 7 to 5 won't make a significant difference. It is a social not a biological question. He was not aware of any other western state that is not taking the full bag. Montana, Wyoming, and Utah will open their seasons on the first Saturday in October. Oregon, and Nevada will open on the second Saturday, and Washington will open on the third Saturday. Fort Hall is going with the maximum bag limit. Their season will run October 8 through January 20. Ducks and geese will be concurrent.

Gene Sullivan asked about conflicts with other season openers. Mr. Hemker noted that there are a lot of different season openers, so there will be some conflicts. The main conflict is October 15, which is the opening for general elk season. The youth hunt is generally two weeks before the opener, but has typically been the last Saturday in September.

Mr. Hemker stated that goose pairing counts were below objectives in the Magic Valley, so limits are recommended at 3 rather than 4 birds. Staff is recommending the full pintail season this year. Population surveys showed that the species increased this year and can sustain a 1-bird bag nationwide. That is not the case for canvasbacks, which will continue to have a 60-day season framework. Idaho has held the shorter season for canvasbacks starting at the beginning of the general waterfowl season for several years.

05-55 Commissioner Watts moved and Commissioner Hadley seconded **TO ADOPT BY PROCLAMATION THE DEPARTMENT'S RECOMMENDATIONS WITH THE EXCEPTION OF THE SOUTHWEST ZONE AND TO CLOSE THE SEASON IN THE SOUTHWEST ZONE ON JANUARY 29, ALLOWING STAFF TO MAKE ADJUSTMENTS TO ACCOMMODATE A SPLIT**

**SEASON WITH A 2-DAY SPLIT, AND TO ADOPT STAFF RECOMMENDATIONS OF A 7 MALLARD LIMIT, WITH 2 HENS ALONG WITH RECOMMENDATIONS ON YOUTH HUNTS AND THE OTHER ISSUES AS PRESENTED.**

Discussion suggested it might be confusing to have a split season in Southwest Idaho (including the Magic Valley Region). Traditionally splits have been structured so that the season is open for two weekends, and then closed for a Thursday and Friday before reopening. There was strong interest in having a later season statewide.

The motion and second were withdrawn.

**05-56 Commissioner Watts moved and Commissioner Hadley seconded TO ADOPT BY PROCLAMATION THE DEPARTMENT'S RECOMMENDATIONS AS PRESENTED FOR THE 2005-2006 WATERFOWL SEASONS:**

- **Northern and Eastern Idaho Zone**
  - Panhandle, Clearwater, Southeast, Upper Snake, and Salmon regions.
  - Geese and ducks (except canvasbacks) October 1 to January 13.
  - Canvasbacks: October 1 to November 29.
  - Coots and snipe: October 1 to January 13.
- **Southwestern Zone**
  - Southwest and Magic Valley regions
  - Geese, ducks (except canvasbacks) October 8 to January 20.
  - Canvasbacks: October 8 to December 6.
  - Coots and snipe: October 8 to January 20.
- **Youth Hunt (Statewide-Licensed youth aged 15 and under)**
  - September 24 and 25

**WITH THE EXCEPTION OF CHANGING THE GOOSE BAG LIMIT TO 4 IN THE MAGIC VALLEY.** The motion carried unanimously.

## **REPORTS**

### **LAP Update**

The Commission discussed how to address the recommendations in the Fish and Game Advisory Committee's whitepaper (Appendix 38, Exhibit 80). The Commission will take the lead and will involve staff and the Advisory Committee. Specific action items included:

Recommendation #1 – the Wildlife Bureau will work on an overarching mission statement.

Recommendation #2 – staff will report on potential improvements to the existing tag allocation process.

Recommendation #4 – Commissioner Irby will chair a subcommittee to work with industrial and corporate landowners, staff, and the Panhandle Commissioner on the Legacy Lands Program.

Recommendations #5 and #6 – Commissioners Wright and Gibbs will serve on a subcommittee to work on large and small landowner programs.

Commissioners Wheeler and Watts will serve on a subcommittee to work on the issue of long-term funding options. Getting the money will be the most important aspect.

Commissioners will provide an update on the progress of these subcommittees at the November Commissioner meeting.

The Chair added Agenda Item #18 to discuss a position paper on LAP to let the public know what the problem is to be solved, why it needs to be solved, and what will happen if it is not solved.

### **Hells Canyon Re-licensing Update**

Scott Grunder, Fisheries Program Coordinator in the Natural Resources Policy Bureau, provided an update on the current re-licensing effort for the Hells Canyon Hydroelectric Complex, which is comprised of Brownlee, Oxbow, and Hells Canyon Dams (Appendix 38, Exhibit 84). Idaho Power Company (IPC) received an original license for Hells Canyon in 1955 with a term of 50 years. That agreement expired at the end of July 2005. Hells Canyon crosses two Fish and Game regions – the Southwest and the Clearwater.

Hells Canyon originally had large runs of anadromous fish, provided winter range for mule deer, and habitat for waterfowl. At the time of construction there was little consideration given to environmental impacts, and there were no state or federal laws for environmental protection. The resource impacts of dam construction included the flooding of 93 miles of the Snake River mainstem, blocked access to an additional 118 miles of the River to migrating species, the loss of riparian-wetlands, extirpation of anadromous stocks and the loss and fragmentation of big game winter range, and loss of waterfowl nesting habitat. Water quality was further degraded.

This led to mitigation efforts including fish passage and collection. Efforts to capture juvenile salmon and steelhead outmigrants were difficult, and juvenile passage through Brownlee Reservoir was dismal. These mitigation efforts were abandoned and the Federal Power Commission (FPC) ordered Idaho Power to develop a hatchery mitigation program, which resulted in the construction of the Oxbow, Rapid River, Niagara Springs, Pahsimeroi hatcheries. It wasn't until 1980 that the IPC's full responsibility for mitigation for anadromous losses was realized. IPC and the Federal Energy Regulatory Commission (FERC), which replaced the FPC, consider the measure of success to be the number of smolts produced while the Department considers the number of adults returning to be a better measure.

Mr. Grunder provided the Commission with an overview of how FERC issues licenses to non-federal hydro-power projects and how the Federal Power Act has changed over time. Amendments to the Act have enlarged the role of federal and state fish and wildlife agencies, and there is now equal consideration of power and resource values. Consideration must be given to recommendations from state and federal resource agencies, Indian Tribes, and the public.

Idaho Power has been doing collaboration and consultation on re-licensing for the past ten years. A formal process has been ongoing to identify mitigation measures and objectives. FERC will not try to recreate the environmental conditions that existed at the time of original licensing. However, past impacts are relevant in determining mitigation measures required in the new license, and the company was required to submit a new license application. They submitted a draft in 2002 which was provided to agencies for review and comment. The Department considers what the company proposes to mitigate for operational impacts on fish and wildlife. The Department provided comments in 2003. IPC then considered those comments and submitted a final application to FERC in 2003.

Proposed mitigation measures include addressing oxygen and gas levels to improve water quality and measures to address water temperature below Hells Canyon Dam. Aquatic measures include maintaining existing measures and implementing a large number of new measures -- a native salmonid plan to restore bull trout and redband trout populations, retrofitting the Hells Canyon fish trap and consideration of a new fish trap below Oxbow Dam, anadromous hatchery upgrades and enhancements, and a Snake River White Sturgeon Conservation Plan. The final application also includes new terrestrial mitigation measures including a land acquisition program, which could include up to 25,000 acres for a wildlife management area to be split equally between Idaho and Oregon. Recreation mitigation measures include improved boat moorage, enhanced maintenance of the road system, improved recreation sites, and improved boat access.

IPC and multiple parties are currently involved in confidential settlement discussions for relicensing. This is a very complex project, and it is in the best interests of the company and the Department to come to agreement. Otherwise, FERC will decide the issue. The outcome will have repercussions well into the future.

### **Craig Mountain Land Exchange**

Kathy Cousins, Mitigation Staff Biologist, provided an overview of a proposed lands trade with the Idaho Department of Lands (IDL) (Appendix 38, Exhibit 85). The Department acquired the Craig Mountain WMA in 1993 and since that time has had discussions with IDL and the Nez Perce Tribe regarding possible land trades. The primary intent is to block third party ownership of in-holdings, control trespass grazing, and solve access issues. The Tribe is not currently interested in participating in a trade; however, staff would like to pursue the trade with IDL.

Approximately half of the land that IDFG would acquire from IDL is grassland or break land. The remainder is forested land some of which is fairly productive. The majority of lands that IDL would acquire from IDFG are forested, and they will gain long term access to their productive timbered lands in the exchange.

Real estate transaction costs associated with this land exchange would be shared 50/50 between IDFG and IDL. The trade would be a cost-effective transaction for the Department in trading some isolated parcels that would require costly fencing and signage and staff resources.

The Craig Mountain project is mitigation land acquired by the Bonneville Power Administration (BPA). The BPA has been informed about the trade and are comfortable with it. If the Commission approves staff recommendation to pursue the trade, BPA would like a letter to that effect.

05-57 Commissioner Irby moved and Commissioner Wheeler seconded a motion **TO ACCEPT STAFF RECOMMENDATION TO PURSUE THE PROPOSED TRADE OF LANDS WITH IDAHO DEPARTMENT OF LANDS**. The motion carried in a unanimous vote.

Jim White, Regional Wildlife Biologist, provided an update on rehabilitation efforts of the August 2000 wildfire on the Craig Mountain WMA. The Department spends \$40,000 -\$200,000 each year of grant funding for weed control and restoration of the burned acres. It's difficult to do as the majority of land is rough and rugged with limited road access, and it requires aerial spraying and significant staff resources. The Department is on the forefront of weed management technology. The Department also has a good bio control program on the WMA.

Commissioner Watts requested an overview of land holdings and what the Department is doing with its holdings at a future meeting.

### **WMA Mission Statement**

Jim Unsworth provided information on WMAs and the question of whether they should be managed for intensive recreation or productive wildlife habitat. (Appendix 38, Exhibit 86)

The Department typically acquires land to provide big game range, waterfowl habitat, and upland game/agricultural habitat. Most recreation centers around upland game and waterfowl hunting.

The current Vision Statement is overarching, but each WMA has its own mission statement and list of goals contained in management plans which are reviewed and renewed every 5 years. The number of requests for special recreation events on some WMAs are reaching a level that might compromise production. Requests include demand for hiking and mountain biking some of which conflict with big game winter use.

Mr. Unsworth posed three main questions for consideration:

1. Does each WMA need its own Vision Statement, and, if we create unique approaches, should each be managed differently?

2. In the Southwest Region where growth is phenomenal, is there something the Department can do with WMAs to promote getting people engaged in hunting? Is there an opportunity for some of these WMAs to be more family recreation oriented?
3. Are there resources that can be dedicated to getting some of the WMAs cleaned up and repaired?

Commissioners discussed the need for more dedicated funds and resources to support the WMAs. Hunting and fishing are the top priorities from a recreational standpoint. There are a handful of WMAs that are being overused. The Department may need to look at each one where there are issues and approach them individually. They would like to see flexibility at the regional level to adjust the mission and the primary purpose they serve. A discussion of WMAs was added to the agenda for the November meeting in ½ day workshop forum.

### **Mule Deer Initiative**

Toby Boudreau, Mule Deer Initiative (MDI) Coordinator, provided the Commission with his professional background and presented an update on the Initiative. Mr. Boudreau has Bachelor's and Masters Degrees in Wildlife Management. Most recently, he worked on population dynamics of moose in Alaska and studied moose calf mortality. He also worked on management resource issues and was a state pilot and did radio tracking and moose capture projects.

During the second week of August, Mr. Boudreau conducted MDI Team meetings with Regions 4, 5, and 6 to go over the MDI action plan, timelines and responsibilities. The Team is making edits to make sure timelines are realistic. Aspen treatments are being conducted in Regions 5 and 6. Mr. Boudreau estimates it will take about 5 years to totally implement the action plan for MDI. It involves long-term monitoring of mule deer habitat.

Other recent activities include planting 75,000 shrubs on winter range, a cooperative agreement with a landowner regarding water in Oneida County, hiring wildlife technicians in Regions 4 and 6, with plans to hire in Region 5, to help on data collection and formatting. The Regions have begun winter range assessment. Regions 4, 5, and 6 have collected shrub seeds from mule deer browse species, and they intend to plant 100,000 shrubs. Region 4 has initiated dialog with Union Pacific on railroad mortality and how to curb it. Region 5 is working with the Transportation Department on fencing along selected highways. Multi-panel posters have been created to promote MDI at public events. Mr. Boudreau is attending sportsmen group meetings and recently attended an SFW banquet. He is revising the MDI work plan and creating two documents – one for the public that explains the what and why of MDI and a second, more technical, internal document.

The challenges with MDI are numerous and include:

- Development on winter range. The Department and partners need to work to secure and protect winter range.
- Habitat is a significant piece of mule deer management. Challenges include active management of aspen stands which have dried up due to drought or experienced juniper encroachment, CRP that was put into mono culture, and a general loss of habitat.
- Road and rail mortality is significant. Union Pacific estimates they killed 700 deer last year on a stretch of tracks between Regions 4 and 5. There is a need to look at underpasses or overpasses or electric eye warning lights and better fence maintenance.
- Elk are a challenge because elk populations are up and deer populations are down in some locations. The Department, in conjunction with ISU, will be researching elk/deer competition and interaction.
- Funding could also be a challenge, and the Department will need to leverage its funds and partner to maximize opportunity.
- Public perception is also a challenge. Mule deer management is a new idea to some people, and the solution to remove predators is the quick fix, but the issue is a lot more complex than that.

There is a lack of consensus on what is the most important limiting factor is for mule deer. Reality is that it is a combination of factors at different levels in different locations. The MDI team has lots of projects planned and will be trying various methods to see what works to make things better for mule deer.

### **Wolf Update**

Steve Nadeau, Large Carnivore Program Coordinator, reviewed the population data for wolves and elk statewide and in units of prime concern, the likely causes for the elk population status and decline, and the likely impacts of wolves on the elk population (Appendix 38, Exhibit 87).

The Department has been on an aggressive path to get data together on ungulate populations and the potential impact of wolves. Mr. Nadeau recognized Jay Crenshaw, George Pauley, Clay Hickey, and Jim White from the Clearwater Region for their efforts on this project.

Mr. Nadeau detailed statewide trends in bull elk harvest and hunter success rates and provided the research results of elk and deer mortality studies statewide. Of the mortality causes for cow elk, half is due to predators; however, the actual percentage of that mortality for the entire population is less than 3%. Mountain lions are the primary predator of mule deer. Most calf mortality attributed to wolves occurs later in the season. Bears are typically the primary cause of elk calf mortality.

The three zones that are below elk population objectives are the Lolo, Selway, and Brownlee zones. The focus was on the Lolo and Selway zones as there are currently no wolves in the Brownlee zone. The Tribes have been working with the Department on efforts in the Lolo Zone.

There are four full-time and eight part-time wolf packs totaling between 47-76 wolves using the Lolo Zone. Collaring efforts have provided a good idea of where the wolves are and there is still a lot of effort ongoing to collar more wolves.

Lions and bears are also important predators for elk in the area. Lion harvest has gone down in the Lolo and Selway Zones while black bear harvest has increased. Bull elk harvest has been stable for the last several years since implementation of a zone tag system and quotas, but harvest is down dramatically from the mid-1980s.

The Clearwater Region has taken a number of steps to address elk declines. For the Lolo Zone seasons, the Department eliminated cow elk harvest, went to a zone system, and increased opportunities for bear and lion hunting. With respect to habitat, which is a large determinant of big game populations, the Department supports Forest Service efforts to increase use of fire and to modify habitat, continues to support road access restrictions to preserve elk security, and put a great deal of effort into research efforts.

Cow elk survival is lower than expected, and the concern is how to sustain a population of elk when female survival rates are so low. There are many causes for the population decline among them habitat conditions, drought summers, high snowpack in 96-97, low calf survival, predation, and noxious weeds.

In addition to ongoing steps already in place, additional proposals to address the decline include focusing on habitat improvement, increasing bear/lion harvest to improve calf survival, and decreasing archery and tribal harvest of cows, increasing lion harvest, and removing wolves to improve cow survival.

With respect to predator control, specifically wolves, the Department cannot use sport harvest to control wolves until they are de-listed. The next steps to increase the Department's management authority for wolves are to finalize the proposal, conduct an internal, request an external peer review and obtain public comment, and then submit it to FWS. Commission Wright encouraged staff to keep pursuing the authority for wolf control.

Commissioners discussed concerns regarding wolf monitoring efforts. Future plans include intensive monitoring in the Clearwater and Lolo zones. The Department has received funds from USFWS and is cooperating with the Nez Perce Tribe on monitoring efforts. As the wolf population increases, the amount of effort that can be put on the ground is limited. Low snowpack did not allow as much aerial monitoring of ungulates last year as anticipated. The request to land helicopters in the wilderness has been submitted to the Forest Service. It includes the minimum tools analysis to do wolf collaring and a separate tools analysis for ungulate collaring. They have reviewed and are discussing the request. Their concerns are primarily with ungulate monitoring and the number of landings that would be required and the resulting impact of those intrusions. The Forest Supervisors say that the full proposal will trigger NEPA and require an environmental analysis, which will take at least a year to accomplish. The Department will meet with the Forest Supervisors who would be impacted and may propose starting with just a portion of the proposal. The Department will be training staff biologists to capture and handle wolves.

Jim Unsworth passed out a copy of the draft Memorandum of Agreement with the Department of Interior (Appendix 38, Exhibit 88). The Department has been told that it should be finalized within a few weeks.

Commissioner Watts asked about staff's confidence in outside peer review supporting wolf control. Dr. Unsworth stated that the Department has done all it can to gather and model the data. If wolves were de-listed, the Department could set permit numbers according to what the data shows. Prior to de-listing, it will likely be difficult to meet the burden of proof. The Department is not saying that the wolf is the primary or only cause of ungulate population declines but is a factor which has not been addressed.

### **FY '07 Budget Status Review**

Jim Lau, Chief, Bureau of Administration presented the Fiscal Year 2007 budget for Commission approval (Appendix 38, Exhibit 89). The Regions were all involved in the budget process, and the budget has been aligned with the Strategic Plan. The FY '07 budget is flat as compared to the FY '06 budget with the deletion of the extra pay period. The total budget to be submitted to DFM and LSO will be \$75.1 million.

The Department was required to follow 1.9% inflation guidelines and to budget \$600,000 for an increase in employee benefits. The budget includes a request for 2 new full-time equivalent positions (FTEs) -- one at the Pahsimeroi Hatchery and one for IT, which is a combination of two part-time positions. License revenues are projected to be flat to up slightly in FY '07 compared to FY '06. This is the 6<sup>th</sup> year of the fleet program. There is no budget line item to implement a bonus points system. There will be a trailer bill if the legislature approves a bonus points system. The budget also does not reflect any expenditure for replacement of the current GTECH licensing system. After consulting with JFAC and germane committee chairs, Senator Cameron advised it would be better to come back with a supplementary request if necessary. A Request for Proposals (RFP) will be distributed shortly and evaluations of proposals will begin early next calendar year. Once a selection is made, the Department will determine if additional funding is needed. The Department transferred \$1 million from the budget stabilization account to cover the extra pay period in FY '05 and subsequently transferred \$1 million from the Fleet account to the general operating fund. The \$1 million taken from the budget stabilization account will be replaced within the next 30-60 days.

The Commission commended Mr. Lau for his work in preparing the budget in a clear, straightforward manner.

Commissioner Wheeler reported on the July 26 meeting with JFAC co-chairs Senator Dean Cameron and Representative Maxine Bell, Senator Gary Schroeder and Representative Bert Stevenson. Commissioners Gibbs, Wheeler, and Wright attended with Sharon Kiefer and Jim Lau representing the Department. The legislators did not feel the time was right to address simplifying the license fee structure. They are eager to work with the Department and offered their assistance in the future.

05-58 Commissioner Irby moved and Commissioner Wheeler seconded a motion **TO APPROVE THE FISCAL YEAR 2007 BUDGET**. The motion carried unanimously.

### **Bonus Points Update**

Brad Compton, Wildlife Game Manager, presented a final draft of the public scoping survey on the proposed bonus points system (Appendix 38, Exhibit 90). It was reviewed by Dr. Larry Gigliotti, an expert in Human Dimensions.

- The first section is designed to generate background information.
- Section II gauges current satisfaction and perceptions about the current system.
- Section III describes a bonus points system and includes real-life examples to show differences between Nevada's bonus point system and Idaho's random system. The benefits of a bonus points system aren't derived until you get to the 3<sup>rd</sup> year of participation. This section includes an outright question about whether respondents are in favor of a bonus point system as well as the importance of being able to purchase bonus points.
- Section IV addresses the cost of a system and willingness to pay for it. The Department would probably contract for a system, which could cost approximately \$550,000 per year or \$5 per applicant.
- Section V is a list of other options to increase drawing odds.

The survey will be distributed through a random mailing to 600 applicants for controlled hunts for deer, elk, antelope, and moose. It will also be available on the Internet and through the Regions.

05-59 Commissioner Wheeler moved and Commissioner Watts seconded **TO ACCEPT THE SURVEY AS PRESENTED AND DIRECT STAFF TO PROCEED WITH THE SURVEY**. The motion carried unanimously.

### **Backup Licensing System**

Jim Lau and Craig Wiedmeier, License Section Manager, provided background regarding licensing procedures. GTECH indicated a redundant system would cost around \$1 million. The regional offices still have backup paper licenses, but there are control issues with giving these to vendors as the paper version is like currency. Some states have load and forward systems so that if terminals are down, they can enter information and then upload it later. IDFG currently has dumb terminals at the sites, and it would not be cost effective to replace all of them. The one biggest thing we can do internally is to move the controlled hunt application period back a week to reduce peak loads on the system. There are numerous options with technology but it's a matter of cost. The Department did in the past offer pre-pay fishing license books. Several vendors did it initially but only three vendors purchased them in 2005.

When the RFPs for the new license system come in, the evaluation team will consider which providers are able and willing to include backup capability. The RFP is currently undergoing external review for consistency and objectivity. It will then need to go through legal review at the Department of Administration before being distributed.

### **Legislative Proposals**

Sharon Kiefer, Legislative Liaison, presented a draft of legislative procedures and process (Appendix 38, Exhibit 91).

Staff will review proposals already submitted in preliminary form by the Department and will submit final legislative language for Commission review prior to the October 1 deadline to have full proposals in to the Governor's office. Staff will provide a briefing at the November Commission meeting of any pertinent legislation submitted by other Departments. As discussed at the July meeting, the Director and staff will not take a position on legislation or make comments until the Commission has reviewed the legislation and decided on a position. A regular weekly conference call will be scheduled and briefing sheets will be prepared on pending legislation.



Commissioner Wheeler commented that, in his view, staff have the right to dissent from the Commission's position if they feel strongly about an issue. Likewise, Commissioners have the same right. However, he suggested staff should notify the Director and Commissioners should notify the Chairman if they have a dissenting opinion.

Deputy Director Mansfield commented that the Director has been clear as to expectations of staff to communicate with their Regional Supervisor, Bureau Chief, and the Director's office regarding legislative matters. The Department encourages active participation between staff and legislators but it must be in the Department's best interests and avoid any surprises and conflicts of interest.

Ms. Kiefer reviewed the Legislative concepts the Department will pursue in the upcoming session:

- Consolidation of non-resident youth licenses.
- Disability license revision.
- Bonus points system for controlled hunts. Staff is drafting a statute to give the Commission authority to establish a system and a fee not to exceed a certain amount. Under the Administrative Procedures Act, rules that set a fee are treated differently. Staff will work with Dallas Burkhalter, Deputy Attorney General, to draft this rule for Commission review prior to the October 1 deadline.
- Institutional facility fishing permit to make permits specific to the facility and not residents, i.e. individuals will not need licenses but will be covered under an institutional permit.
- A placeholder for wildlife relative to conformity of rules dealing with domestic cervidae.

Staff is working with the Department of Agriculture to clean up language relative to last year's change in depredation accounts. The license consolidation concept was removed from the list.

Staff needs feedback on the timing of conference calls by the November meeting. A Public Notice will need to be prepared for the calls.

The Commission discussed the Legislation Analysis form. They may want to discuss the issues prior to having anything written. The form may need to be more for tracking and basic analysis. A more thorough position document could be a second part of the process.

### **Appointment to IOGLB**

05-60 Commissioner Wheeler moved and Commissioner Wright seconded a motion **TO APPOINT COMMISSIONER MARCUS GIBBS AS THE COMMISSION'S REPRESENTATIVE TO THE IOGLB**. The motion carried with Chairman Gibbs recusing himself.

### **Communications on LAP**

Roger Fuhrman, Chief, Bureau of Communications, discussed how to inform the public about the Commission's intent with respect to LAP.

The problem or issue to be addressed is continuing and maintaining access for hunting over the long term. The Commission is discussing four areas of potential emphasis:

Values to stakeholders

Investigate funding sources to help grow access

Consider possible use of LAP tags or other tags to acquire access

Consider alternatives to privatization and commercialization of trespass rights by landowners.

The Commission noted it generally supports the recommendations of the Fish and Game Advisory Committee and will be working on details with possible implementation of a pilot program. The Commission has formed subcommittees to address specific Advisory Committee recommendations.

The public should be aware of proposals and have opportunity to provide input. The Commission stressed they have not made any decisions or changes, and there is plenty of opportunity for public input. It is important to educate the public on who the Advisory Committee is and what they do. They need to know that the Commission and the Committee are working together and are not at odds. The Commission will take as much time as needed to get it right.

Mr. Fuhrman will email a draft of an Opinion Editorial for the Chairman's signature to all Commissioners for review.

The meeting adjourned at 4:56 p.m.

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Marcus Gibbs, Chairman

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Terry M. Mansfield, Deputy Director  
Acting Secretary